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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
: :
: :
-against- :
: :
RAFAEL CAJIGAS, :
: :
Defendant. :
-----X

08 CR 391(VM)
DECISION AND ORDER

VICTOR MARRERO, U.S.D.J.:

By letter dated September 8, 2020, defendant Rafael Cajigas ("Cajigas") moved for compassionate release under 18 U.S.C. § 3582(c)(1)(A). (Dkt. No. 41.) The Court denied the motion on November 11, 2020. United States v. Cajigas, No. 08 CR 391, 2020 WL 6625210 (S.D.N.Y. Nov. 11, 2020); see also Dkt. No. 42.

On April 5, 2021, Cajigas sent a letter to chambers seeking appointment of counsel to assist him in moving for reconsideration of the Court's previous order denying compassionate release. (See Dkt. No. 48.) The Court denied that motion on April 12, 2021. United States v. Cajigas, No. 08 CR 391, 2021 WL 1392008 (S.D.N.Y. Apr. 12, 2021); see also Dkt. No. 49.

Now before the Court is a letter from Cajigas received on June 10, 2021.¹ (See "Letter," Dkt. No. 50.) In the Letter,

¹ Attached to the letter is a significant volume of medical records, spanning from decades before Cajigas's COVID-19 diagnosis to within the

Cajigas explains he is not moving for reconsideration, and instead seeks only "to be seen and heard." (Letter at 1.) The Court acknowledges receipt of the Letter and is mindful of the suffering Cajigas has no doubt endured as a result of contracting COVID-19. The Court further "does not discount the possibility of reinfection or the long-term health consequences that can arise even in someone who appears to have successfully recovered from the virus." United States v. Pena, No. 18 CR 640, 2021 WL 396420, at *2 (S.D.N.Y. Feb. 4, 2021) (citations omitted). Nevertheless, Cajigas has not established that he currently suffers from serious complications or is at heightened risk for reinfection. See id.

Thus, to the extent the Letter seeks compassionate release or reconsideration of the Court's November 11, 2020 or April 12, 2021 orders, such requests are DENIED. See Pena, 2021 WL 396420, at *2 (denying compassionate release where defendant had recently recovered from COVID-19 because "the mere possibility of future long-term complications arising from his earlier COVID diagnosis is too speculative to constitute an extraordinary and compelling circumstance justifying release"); In re Health Mgmt. Sys., Inc. Sec.

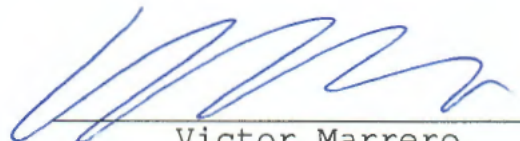
last few months. The Court has reviewed the records, which will be filed under seal.

Litig., 113 F. Supp. 2d 613, 614 (S.D.N.Y. 2000) (explaining reconsideration is "an extraordinary remedy to be employed sparingly"); Hodge v. Police Officers, 802 F.2d 58, 60 (2d Cir. 1986) ("[C]ounsel is often unwarranted where the indigent's chances of success are extremely slim."). Accordingly, it is hereby

ORDERED that defendant Rafael Cajigas's letter request for compassionate release (Dkt. No. 50) is **DENIED**. The Clerk of Court is directed to mail a copy of this Order to Rafael Cajigas, Register Number 70495-054, Schuylkill FCI, Federal Correctional Institution, P.O. Box 759, Minersville, PA 17954-0759, and note service on the docket.

SO ORDERED.

Dated: New York, New York
14 June 2021



Victor Marrero
U.S.D.J.